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June 1, 2023

VIA ECF

The Honorable Lois Bloom, U.S.M.J.
U.S. Dist. Court for the Eastern Dist. of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Strike 3 Holding, LLC v. John Doe subscriber assigned IP Address
24.188.30.34
Dkt. No. 1:22-cv-07881-RPK-LB**

Chief Magistrate Judge Bloom:

As Your Honor is aware, I represent Plaintiff Strike 3 Holdings, LLC ("Plaintiff") in the above-referenced matter. I write to respectfully provide a brief clarification regarding Defendant's response to the Court's April 28, 2023 order to show cause [D.E. 14]:

1. Defendant's response indicates that Plaintiff served Defendant with process. D.E. 14 at 1, 3. While Plaintiff provided a copy of its proposed amended pleading to Defendant's counsel, Plaintiff did not effectuate service of process, pursuant to Fed. R. Civ. P. 4(c), since the parties resolved this matter before that occurred.
2. The parties have resolved this matter without any admission of liability by Defendant, but that resolution did include an admission (and agreement to cease infringement) by another individual who Plaintiff did not believe was present at Defendant's address at the time it sought leave to file its first amended pleading as an *ex parte* document. *See* D.E. 11-2 at ¶ 58.
3. Due to other decisions that have criticized or questioned Plaintiff's motivation when assenting to sealing in these matters, *see* D.E. 11 at 2 n.5, Plaintiff formally takes no position on whether the Court should seal documents in this matter.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ John C. Atkin

John C. Atkin, Esq.

cc: Robert Brown, Esq. (via CM/ECF)